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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia*, Austria, Belgium*, Bulgaria, Canada, Czech Republic, Denmark, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Luxembourg*, Netherlands, Norway*, Portugal*, Romania*, San Marino*, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

1997/... Situation of human rights in Nigeria

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights, most recently General Assembly resolution 51/109 of 12 December 1996 and Commission on Human Rights resolution 1996/79 of 23 April 1996,

1. Welcomes

(a) The report on the situation of human rights in Nigeria submitted jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers and the addendum thereto (E/CN.4/1997/62 and Add.1);

(b) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity, and recalling in this regard the declaration by the Government of 1 October 1995;

(c) The commitment by the Government of Nigeria to remove all military personnel from the Civil Disturbances Tribunal and the special tribunals, to establish the opportunity for appeal and to re-establish the system of habeas corpus, and to allow the National Human Rights Commission to investigate human rights abuses;

(d) The resumption of dialogue between Nigeria and the Commonwealth;

2. Expresses its deep concern

(a) At continuing violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(c) That the Government of Nigeria, despite earlier commitments, refuses to cooperate with the Commission, which prevented the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers from visiting Nigeria;

(d) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

3. Calls upon the Government of Nigeria

(a) To ensure the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political

prisoners, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing respect for the rights of individuals, including persons belonging to minorities;

(b) To abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, including the African Charter on Human and Peoples' Rights, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria (CCPR/C/79/Add.65);

(c) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(d) To ensure the independence of the National Human Rights Commission;

(e) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(f) To cooperate fully with the Commission and its mechanisms;

(g) To take concrete steps to restore democratic government without delay;

4. Decides

(a) To invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria, with a mandate to establish direct contacts with the authorities and the people of Nigeria, and requests that the special rapporteur report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session, on the basis of any information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General, in the discharge of his good offices mandate and in cooperation with the Commonwealth, to continue further discussions with the Government of Nigeria and to report on progress in the implementation of the present resolution and possibilities for the

international community to lend practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights and fundamental freedoms;

(c) To continue its consideration of the situation of human rights and fundamental freedoms in Nigeria at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".